

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JIMMY BURNS,

Petitioner,

v.

DORIS FALKENRATH,

Respondent.

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No. 4:23-cv-00868-PLC

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. Petitioner Jimmy Burns has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. [ECF No. 1] However, the signature page on the form petition has been left entirely blank. [ECF No. 1 at 13].

Under Federal Rule of Civil Procedure 11, every written pleading or motion must be signed “by a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a). The Court “must strike an unsigned paper unless the omission is promptly corrected after being called to the . . . party’s attention.” *Id.* In addition, Rule 2(c)(5) of the Rules Governing Section 2254 Cases in the United States District Courts provides, in relevant part, that the petition must “be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner.”

Because Petitioner has not signed his 28 U.S.C. § 2254 petition, the Court directs the Clerk of Court to mail to Petitioner a copy of his petition so that he may sign it, and return it to the Court for filing. Specifically, Petitioner should sign and date the petition on the line indicating “Signature of Petitioner,” which is located on page thirteen.

The Court grants Petitioner **thirty (30) days** from the date of this order in which to sign and return his petition. If Petitioner fails to comply with this order within the allotted time period,

the Court will dismiss this action without prejudice and without further notice.

Motion for Leave to Proceed in Forma Pauperis

Petitioner has filed a motion for leave to proceed in forma pauperis. [ECF No. 2]. Having reviewed the motion, the Court finds that it should be granted. *See* 28 U.S.C. § 1915(a)(1).

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall mail to Petitioner a copy of his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Docket No. 1).

IT IS FURTHER ORDERED that Petitioner shall sign and date the petition and return it to the Court within **thirty (30) days** of the date of this order.

IT IS FURTHER ORDERED that if Petitioner fails to return the signed and dated petition within **thirty (30) days** of the date of this order, the Court will dismiss this action without prejudice and without further notice.

IT IS FURTHER ORDERED that Petitioner's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 12th day of July, 2023